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Joshua J. Meyer  
Attorney at Law



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June 14, 2004

AZ CORP COMMISSION  
DOCUMENT CONTROL

SENT VIA FEDERAL EXPRESS

Arizona Corporation Commission

DOCKETED

JUN 15 2004

Docket Control Center  
ARIZONA CORPORATION COMMISSION  
1200 W. Washington St.  
Phoenix, AZ 85007-2996

DOCKETED BY	<i>AR</i>
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Re: The Links at Coyote Wash Utilities, L.L.C. SW-04210A-03-0712  
Application for a Certificate of Convenience and Necessity to Provide Sewer Service

Ladies/Gentlemen:

Enclosed please find the original and 13 copies of the Late Filed Exhibits to Application for Certificate of Convenience and Necessity to provide Sewer Service for The Links at Coyote Wash Utilities, L.L.C. Also enclosed is a Cover Sheet as required. Please file the enclosed documents as appropriate.

If you have any questions regarding this application, please do not hesitate to contact me.

Very truly yours,

*Joshua J. Meyer*

Joshua J. Meyer

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Encl.

Joshua J. Meyer, Arizona Bar No. 014552  
MEERCHAUM AND MEYER, P.L.L.C.  
226 S. 1<sup>st</sup> Avenue  
Yuma, Arizona 85364  
Telephone (928) 782-2600  
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Attorney for Applicant

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DOCUMENT CONTROL

Arizona Corporation Commission

DOCKETED

JUN 15 2004

DOCKETED BY

**BEFORE THE ARIZONA CORPORATION COMMISSION**

IN THE MATTER OF THE APPLICATION  
OF THE LINKS AT COYOTE WASH  
UTILITIES, L.L.C. FOR A CERTIFICATE  
OF CONVENIENCE AND NECESSITY TO  
PROVIDE SEWER SERVICE

Docket No.: SW-04210A-03-0712

**LATE FILED EXHIBITS TO  
APPLICATION FOR CERTIFICATE  
OF CONVENIENCE AND NECESSITY  
TO PROVIDE SEWER SERVICE**

This matter having come before the Administrative Law Judge Marc E. Stern during the Administrative Hearing on May 20, 2004, and the Administrative Law Judge requesting certain additional information before being able to make a recommendation to the Arizona Corporation Commission, Applicant, by and through undersigned counsel, pursuant to the request of the Administrative Law Judge, hereby files the attached exhibits to supplement its application for a Certificate of Convenience and Necessity to Provide Sewer Service as follows:

1. Publisher's Affidavit of Publication of the Public Notice of the Hearing for the Links at Coyote Wash Utilities, L.L.C. for a Certificate of Convenience and Necessity.

2. A letter from the attorney for the Town of Wellton stating that the Applicant has the right to install and maintain its collection system in the Town's right-of-ways. This letter satisfies the requirement that the Applicant provide evidence of its authority to use the Town's right-of-ways for the Applicant's collection system.

3. Copy of the first page of the Aquifer Protection for the Applicant's treatment facility listing the Applicant as the Permittee. This page demonstrates that the Aquifer Protection Permit has been transferred from G-12, L.L.C. to the Applicant.

During the Hearing, the Administrative Law Judge ruled that any interested party will have thirty (30) days from the date of the Notice to file any objections to the issuance of a Certificate of Convenience and Necessity in this matter. The Notice was published on May 27, 2004 and May 28, 2004. As a result, the Administrative Law Judge may make his recommendation to the Commission on or after June 28, 2004.

RESPECTFULLY SUBMITTED this 14<sup>th</sup> day of June, 2004.

Joshua J. Meyer  
Attorney for Applicant

The original and 13 copies  
of the foregoing mailed this  
14th day of June, 2004 to:

Arizona Corporation Commission  
Docket Control  
1200 West Washington Street  
Phoenix, AZ 85007-2927

By:

**PUBLIC NOTICE OF THE  
HEARING FOR THE LINKS AT  
COYOTE WASH UTILITIES, L.L.C.  
FOR A CERTIFICATE OF  
CONVENIENCE AND NECESSITY  
SW-04210A-03-0712**

On September 26, 2003, The Links at Coyote Wash Utilities, L.L.C. ("Applicant") filed an application for a Certificate of Convenience and Necessity to provide sewer service to various parts of Yuma County, Arizona.

The application is available for inspection during regular business hours at the offices of the Commission in Phoenix, at 1200 West Washington Street, Phoenix, Arizona and at the Applicant's office at 4400 E. Highway 80, Yuma, Arizona.

The Commission held a hearing on this matter on May 20, 2004 at 9:30 a.m., at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona. The Administrative Law Judge continued that hearing for thirty (30) days from the date of this notice for interested parties to intervene.

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Intervention shall be permitted to any person entitled by law to intervene and having a direct and substantial interest in the matter. Persons desiring to intervene must file a written motion to intervene with the Commission, which motion should be sent to Applicant or its counsel and to all parties of record, and which, at the minimum, shall contain the following:

1. The name, address, and telephone number of the proposed intervenor and of any party upon whom service of documents is to be made if different than the intervenor.

2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer of Applicant, a shareholder of Applicant, a competitor, etc.).

3. A statement certifying that a copy of the motion to intervene has been mailed to the Applicant or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105. If intervention is granted, the Administrative Law Judge will reconvene the hearing and allow the party to present sworn evidence at hearing and to cross-examine other witnesses.

If you have any questions or concerns about this application or have any objections to its approval, or wish to make a statement in support of it, you may write Jim Fisher, Executive Consultant, Arizona Corporation Commission, 1200 West Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting Yvonne McFarlin, ADA Coordinator, voice phone number 602-542-3931, E-mail YMcFarlin@cc.state.az.us. Requests should be made as early as possible to allow time to arrange the accommodation.

Daily May 27, 20: 2004 #138467  
My Comm. Expires May 10, 2005

# Publisher's Affidavit of Publication

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ARIZONA }  
OF YUMA }

Julie Moreno or Lee Knapp, having been first duly sworn, deposes

and says: that The Sun is a newspaper of general circulation

published daily in the City of Yuma, County of Yuma, State of Arizona;

that (s)he is the publisher or business manager of said paper; that the

PUBLIC NOTICE OF THE HEARING FOR THE LINKS AT COYOTE  
WASH UTILITIES, L.L.C.

a printed copy of which, as it appeared in said paper, is hereto attached

and made a part of this affidavit, was published in The Sun

For TWO issues; that the date of the first

publication of said PUBLIC NOTICE OF THE HEARING FOR THE  
LINKS AT COYOTE WASH UTILITIES, L.L.C.

was MAY 27, 2004 and the date of the last publication

being MAY 28, 2004 and that the dates when said

PUBLIC NOTICE OF THE HEARING FOR THE LINKS AT COYOTE  
WASH UTILITIES, L.L.C.

was printed and published in said paper were

MAY 27, 28, 2004

*Lee Knapp*

Subscribed and sworn to before me, by the said Julie Moreno or Lee Knapp

1st day of June, 2004

Virgen P. Perez Notary Public

My commission expires May 10, 2005

*Don B. Engler*

ATTORNEY AT LAW

1455 WEST 16TH STREET, SUITE A-2  
YUMA, ARIZONA 85364

TELEPHONE  
928-329-8150

FAX  
928-329-8152

June 3, 2004

Jim Fisher, Executive Consultant  
Utilities Division  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007-2927

**Re: The Links at Coyote Wash Utilities, L.L.C.  
Application for a Certificate of Convenience and Necessity (CC&N)  
Docket SW-04210A-03-0712**

Dear Mr. Fisher:

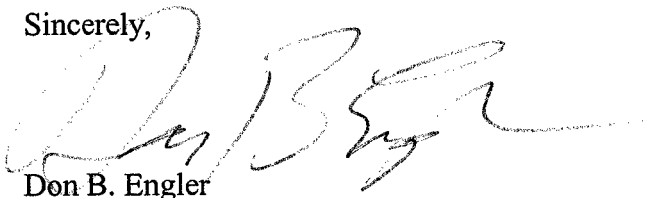
Please be advised that I am the appointed attorney for the Town of Wellton. In that capacity, I helped negotiate the Pre-Annexation Development Agreement between the Town and the Curtis Family (through their wholly owned company G-12, L.L.C.) for the development of the land included in the above referenced application (which Agreement was approved by the Town of Wellton on April 4, 2002). I understand that before issuing the pending CC&N referenced, the Commission requires some evidence that the Applicant has the authority to use the Town's right-of-ways for its collection system.

As part of the Pre-Annexation Development Agreement, G-12, L.L.C. was required to construct and operate a wastewater company to service the needs of their development. This necessarily includes the installation and maintenance of all required collection lines. The Applicant is the successor in interest to G-12, L.L.C. for those parts of the Agreement that relate to the provision of sewer services.

The Applicant, through its parent company G-12, L.L.C., reserved the right to use the right-of-ways for the installation and maintenance of its collection lines when it dedicated those right-of-ways to the Town; in order to comply with the terms of the Pre-Annexation Development Agreement. In my opinion, the right of easement is necessarily implied from the terms of that Agreement and, because of this reservation of rights, the Applicant is not required to obtain a formal franchise agreement with the Town of Wellton.

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,



Don B. Engler

DBE/cat

cc: Joshua Meyer, Esq.  
The Links at Coyotes Wash Utilities, L.L.C.

**STATE OF ARIZONA**  
**AQUIFER PROTECTION PERMIT NO. P-105311**  
**PLACE ID 18278 LTF 29198**

**1.0 AUTHORIZATION**

In compliance with the provisions of Arizona Revised Statutes (A.R.S.) Title 49, Chapter 2, Articles 1, 2 and 3, Arizona Administrative Code (A.A.C.) Title 18, Chapter 9, Articles 1 and 2, A. A. C. Title 18, Chapter 11, Article 4 and amendments thereto, and the conditions set forth in this permit, the limited partnership of G-12, L.L.C. is hereby authorized to operate the Links at Coyote Wash Wastewater Treatment Facility (WWTF) located south of the Town of Wellton, Yuma County, Arizona, over groundwater of the Yuma Basin, Township 9 South, Range 18 West, Section 7, S1/2 of the Gila and Salt River baseline and meridian.

This permit becomes effective on the date of the Water Quality Division Director's signature and shall be valid for the life of the facility (operational, closure, and post-closure periods), unless suspended or revoked pursuant to A.A.C. R18-9-A213. The permittee shall construct, operate and maintain the permitted facilities:

1. Following all the conditions of this permit including the design and operational information documented or referenced below, and
2. such that Aquifer Water Quality Standards (AWQS) are not violated at the applicable point(s) of compliance (POC) set forth below or if an AWQS for a pollutant has been exceeded in an aquifer at the time of permit issuance, that no additional degradation of the aquifer relative to that pollutant and as determined at the applicable POC occurs as a result of the discharge from the facility.

**1.1 PERMITTEE INFORMATION**

<b>Facility Name:</b>	The Links at Coyote Wash WWTF	
<b>Permittee:</b>	<b>Mailing Address:</b>	<b>Facility's Street Address:</b>
The Links at Coyote Wash, L.L.C.	P.O. Box 6047 Yuma, Arizona 85374	South of the Town of Wellton , Arizona, at corner of Ave. 29 East and County 12 <sup>th</sup> Street.
<b>Facility Contact:</b>	Mr. Spike Curtis, G-12 L.L.C.	(928) 726-5920
<b>Emergency Telephone Number:</b>	Rick Miller, Sunstate Env. Services	(928) 341-9685
<b>Latitude:</b> 32° 32' 00" North	<b>Longitude:</b> 114° 08' 00" West	
<b>Legal Description:</b> Township 9 N, Range 18 W, Section 7		

**1.2 AUTHORIZING SIGNATURE**

\_\_\_\_\_/S/\_\_\_\_\_  
**Karen L. Smith, Director**  
Water Quality Division  
Arizona Department of Environmental Quality  
Signed this 22<sup>nd</sup> day of March, 2004

Amended on June 11, 2004